

OCT 09 2020

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DAWN SCHERBERT PILGRAM

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

DAWN SCHERBERT PILGRAM, an individual;

Plaintiff(s),

v.

TALIA CAITLIN WALSH, an individual; COLIN  
WALSH, an individual and DOES 1 through 100,  
Inclusive,

Defendant(s).

CASE NO.

COMPLAINT FOR:

1. NEGLIGENCE

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff and for a cause of action against Defendants and Does 1-100 alleges as follows:

1. Plaintiff DAWN SCHERBERT PILGRAM is, and at all times herein mentioned was, a resident of the County of Ventura, State of California.

2. Plaintiff is informed and believes, and based thereon alleges, that Defendant TALIA CAITLIN WALSH is, and at all times herein mentioned was, a resident of the County of Ventura, State of California and was licensed to drive in the State of California.

3. Plaintiff is informed and believes and based thereon alleges that COLIN WALSH, is and at all times herein mentioned, was a resident of Ventura, California.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of

1 Defendants named as DOES 1 through 100, inclusive, are unknown to Plaintiff who, therefore, sue  
2 such Defendants by fictitious names. Plaintiff will seek leave of this Court to amend this Complaint  
3 with the true names and capacities of the DOE Defendants when the true names and capacities become  
4 known to Plaintiff. Plaintiff is informed and believes, and based thereon alleges, that each of the  
5 fictitiously-named Defendants is responsible in some manner for the claims, obligations, and damages  
6 sued upon herein, or participated in the transactions and events related herein, or are part of the  
7 common conspiracy to perform the acts and injure Plaintiff as alleged herein. Further, Plaintiff alleges  
8 that each of the Defendants acted as an agent on behalf of the other.

### 9 FACTUAL BACKGROUND

10 5. On or about October 4, 2019, at approximately 3:45 p.m. Plaintiff DAWN SCHERBERT  
11 PILGRAM was legally walking southbound across Thompson Boulevard at the intersection of Ash  
12 Street in Ventura, California, in a marked crosswalk.

13 6. At about this same time, Defendant TALIA CAITLIN WALSH, driving a 2013 Honda  
14 Accord, license plate number 62CL955, owned by Defendant COLIN WALSH, was traveling  
15 westbound on Thompson Boulevard in the number two lane toward the intersection of Ash Street in  
16 Ventura, California. As Defendant TALIA CAITLIN WALSH approached the intersection, she moved  
17 from the number two lane into the number one lane in order to go around stopped vehicles in front of  
18 her and entered the intersection. In doing so, she failed to yield to Plaintiff DAWN SCHERBERT  
19 PILGRAM and collided with Plaintiff DAWN SCHERBERT PILGRAM, who had the right of way.

20 7. In particular, Defendant TALIA CAITLIN WALSH failed to yield the right of way to  
21 pedestrian Plaintiff DAWN SCHERBERT PILGRAM in violation of California Vehicle Code section  
22 21950(a). As a direct result of Defendant's failure to yield to Plaintiff who had the right of way,  
23 Defendant struck Plaintiff DAWN SCHERBERT PILGRAM. At impact, Plaintiff's body was projected  
24 onto the hood of Defendant's car before slamming on to the roadway.

25 8. According to the traffic collision report completed as a result of the incident, Defendant  
26 TALIA CAITLIN WALSH violated California Vehicle Code 21950(a) which states: "The driver of a  
27 vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk  
28 or within any unmarked crosswalk at an intersection."

1           9. Plaintiff DAWN SCHERBERT PILGRAM suffered permanent injuries and continues to  
2 require treatment.

3           **FIRST CAUSE OF ACTION FOR NEGLIGENCE BY PLAINTIFF DAWN SCHERBERT**  
4           **PILGRAM, an individual AGAINST TALIA CAITLIN WALSH, an individual COLIN**  
5           **WALSH, an individual; and DOES 1 through 100, Inclusive**

6           10. Plaintiff incorporates paragraphs 1 through 9 as though fully set forth in this Cause of  
7 Action.

8           11. On or about October 4, 2019 TALIA CAITLIN WALSH negligently operated a motor  
9 vehicle causing it to collide with Plaintiff DAWN SCHERBERT PILGRAM's person. Defendant  
10 TALIA CAITLIN WALSH failed to stop the vehicle she was driving to allow Plaintiff DAWN  
11 SCHERBERT PILGRAM to cross southbound on Thompson Boulevard in Ventura, California at the  
12 intersection of Ash Street.

13           12. Defendant TALIA CAITLIN WALSH and DOES 1 through 100 operated the motor vehicle.

14           13. Plaintiff is informed and believes and based thereon alleges that Defendant COLIN WALSH  
15 was the registered owner of the vehicle Defendant TALIA CAITLIN WALSH was driving.

16           14. Defendant TALIA CAITLIN WALSH, as a driver of any vehicle, had the duty to exercise  
17 ordinary care at all times to avoid placing herself or others, specifically Plaintiff DAWN SCHERBERT  
18 PILGRAM, in danger, to use care to avoid an accident, to keep a proper lookout for traffic and other  
19 conditions to be reasonably anticipated, and to maintain a proper control of the vehicle. Further,  
20 Defendant TALIA CAITLIN WALSH was under a legal duty to ensure that she operated the vehicle at  
21 all times in conformity with California law.

22           15. Defendant COLIN WALSH, as the owner of a motor vehicle (2013 Honda Accord), that  
23 either expressly or impliedly gives permission to another (defendant TALIA CAITLIN WALSH) to use  
24 his vehicle, is liable for any negligent act or omission on the part of the person (defendant TALIA  
25 CAITLIN WALSH) who uses the vehicle pursuant to Vehicle Code section 17150.

26           16. On or about October 4, 2019, Defendant TALIA CAITLIN WALSH so negligently operated  
27 a vehicle owned by Defendant COLIN WALSH as to disregard pedestrian Plaintiff DAWN  
28 SCHERBERT PILGRAM resulting in Defendant striking Plaintiff DAWN SCHERBERT PILGRAM.

1 Plaintiff is informed and believes, and based thereon alleges, that Defendant TALIA CAITLIN  
2 WALSH failed to exercise due care for the safety of Plaintiff DAWN SCHERBERT PILGRAM and  
3 failed to reduce the speed of her vehicle to take any other action relating to the operation of her vehicle  
4 as necessary to safeguard the safety of Plaintiff DAWN SCHERBERT PILGRAM.

5 17. In particular, Defendant TALIA CAITLIN WALSH violated California Vehicle Code  
6 21950(a) which states: "The driver of a vehicle shall yield the right of way to a pedestrian crossing the  
7 roadway within any marked crosswalk or within any unmarked crosswalk at an intersection", when she  
8 collided with Plaintiff DAWN SCHERBERT PILGRAM's person causing her to suffer injury.

9 18. As a direct and proximate result of the negligence of Defendant TALIA CAITLIN WALSH  
10 in failing to exercise due care for the safety of Plaintiff DAWN SCHERBERT PILGRAM, the vehicle  
11 being driven by Defendant TALIA CAITLIN WALSH and owned by Defendant COLIN WALSH  
12 collided with the body of DAWN SCHERBERT PILGRAM causing severe personal injury to the  
13 Plaintiff, DAWN SCHERBERT PILGRAM. The negligent motor vehicle operation of Defendant  
14 TALIA CAITLIN WALSH proximately caused the injuries and damages described below.

15 19. As a direct and proximate result of the acts and conduct of Defendants, Plaintiff was injured  
16 and hurt in her health, strength, and activity, sustaining injury to her body, and shock and injury to her  
17 nervous systems and person all of which said injuries have caused and continued to cause Plaintiff great  
18 physical, mental, and nervous pain and suffering all to her general damage in an amount in excess of  
19 the minimum jurisdiction of this court.

20 20. As a direct and proximate result of the acts and conduct of Defendants, Plaintiff suffered  
21 emotional distress, fright, shock, nervousness, grief, anxiety, worry, mortification, humiliation, and  
22 indignation all to her general damage in an amount in excess of the minimum jurisdiction of this court.

23 21. As a direct and proximate result of the acts and conduct of Defendants, Plaintiff was  
24 compelled to and did employ the services of hospitals, physicians, surgeons, nurses, and the like, to  
25 care for and treat her, and did incur hospital, medical, professional, and incidental expenses. Plaintiff is  
26 informed and believes and thereon alleges that by reason of her injuries she will necessarily incur  
27 additional like expenses for an indefinite period of time in the future, the exact amount of which  
28 expenses will be stated according to proof.

1           22. As a direct and proximate result of the acts and conduct of Defendants, and each of them,  
2 Plaintiff suffered lost earnings, past and future, as well as a loss of earning capacity.

3  
4  
5                                   **PRAYER**

6           WHEREFORE, Plaintiff prays for judgment as follows:

- 7           1.     For general damages in an amount in excess of the minimum jurisdiction of this court;  
8           2.     For special damages in an amount in excess of the minimum jurisdiction of this court and  
9                   according to proof;  
10          3.     For costs of suit incurred herein; and  
11          4.     For such other and further relief as the court may deem just and proper.

12 DATED: October 9, 2020

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13  
14  
15 By: 

MARK O. HIEPLER  
GINA M. CLEMOW  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: October 9, 2020

**HIEPLER & HIEPLER**  
A Professional Partnership

By: 

**MARK O. HIEPLER**  
**GINA M. CLEMON**  
Attorneys for Plaintiff